

111TH CONGRESS  
2D SESSION

# H. R. 4614

To amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2010

Mr. TEAGUE (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Katie Sepich Enhanced  
5       DNA Collection Act of 2010”.

1 **SEC. 2. INCENTIVE PAYMENTS UNDER THE BYRNE GRANTS**  
2 **PROGRAM FOR STATES TO IMPLEMENT MIN-**  
3 **IMUM AND ENHANCED DNA COLLECTION**  
4 **PROCESSES.**

5 Section 505 of title I of the Omnibus Crime Control  
6 and Safe Streets Act of 1968 (42 U.S.C. 3755) is amend-  
7 ed by adding at the end the following new subsection:

8 “(i) PAYMENT INCENTIVES FOR STATES TO IMPLE-  
9 MENT MINIMUM AND ENHANCED DNA COLLECTION  
10 PROCESSES.—

11 “(1) PAYMENT INCENTIVES.—

12 “(A) BONUS.—In the case of a State that  
13 receives funds for a fiscal year (beginning with  
14 fiscal year 2011) under this subpart and has  
15 implemented an enhanced DNA collection proc-  
16 ess and uses such process for such year, the  
17 amount of funds that would otherwise be allo-  
18 cated under this subpart to such State for such  
19 fiscal year shall be increased by 10 percent.

20 “(B) PENALTY.—In the case of a State  
21 that receives funds for a fiscal year (beginning  
22 with fiscal year 2011) and that has not imple-  
23 mented or used either a minimum DNA collec-  
24 tion process or an enhanced DNA collection  
25 process for such year, the amount of such funds  
26 that would otherwise be allocated under this

1           subpart to such State for such fiscal year shall  
2           be decreased by 5 percent.

3           “(2) DEFINITIONS.—For purposes of this sub-  
4       section:

5           “(A) MINIMUM DNA COLLECTION PROC-  
6       ESS.—The term ‘minimum DNA collection  
7       process’ means, with respect to a State, a proc-  
8       ess under which a keyboard DNA search is con-  
9       ducted of DNA samples from the following indi-  
10      viduals who are at least 18 years of age:

11           “(i) Such individuals who are arrested  
12           for, charged with, or indicted for a crimi-  
13           nal offense under State law that consists of  
14           murder or voluntary manslaughter or any  
15           attempt to commit murder or voluntary  
16           manslaughter.

17           “(ii) Such individuals who are ar-  
18           rested for, charged with, or indicted for a  
19           criminal offense under State law that has  
20           an element involving a sexual act or sexual  
21           contact with another and that is punish-  
22           able by imprisonment for more than 5  
23           years, or an attempt to commit such an of-  
24           fense.

1           “(iii) Such individuals who are ar-  
2           rested for, charged with, or indicted for a  
3           criminal offense under State law that has  
4           an element of kidnaping or abduction pun-  
5           ishable by imprisonment for 5 years or  
6           more.

7           “(B) ENHANCED DNA COLLECTION PROC-  
8           ESS.—The term ‘enhanced DNA collection proc-  
9           ess’ means, with respect to a State, a process  
10          under which the State provides for the collec-  
11          tion, for purposes of inclusion in the Combined  
12          DNA Index System (CODIS) of the Federal  
13          Bureau of Investigation, of DNA samples from  
14          the following individuals who are at least 18  
15          years of age:

16           “(i) Such individuals who are arrested  
17           for or charged with a criminal offense  
18           under State law that consists of murder or  
19           voluntary manslaughter or any attempt to  
20           commit murder or voluntary manslaughter.

21           “(ii) Such individuals who are ar-  
22           rested for or charged with a criminal of-  
23           fense under State law that has an element  
24           involving a sexual act or sexual contact  
25           with another and that is punishable by im-

1           prisonment for more than 1 year, or an at-  
2           tempt to commit such an offense.

3           “(iii) Such individuals who are ar-  
4           rested for or charged with a criminal of-  
5           fense under State law that consists of a  
6           specified offense against a minor (as de-  
7           fined in section 111(7) of the Sex Offender  
8           Registration and Notification Act (42  
9           U.S.C. 16911(7)), or an attempt to com-  
10          mit such an offense.

11          “(iv) Such individuals who are ar-  
12          rested for or charged with a criminal of-  
13          fense under State law that consists of bur-  
14          glary or any attempt to commit burglary.

15          “(v) Such individuals who are ar-  
16          rested for or charged with a criminal of-  
17          fense under State law that consists of ag-  
18          gravated assault.

19          “(C) KEYBOARD SEARCH.—The term ‘key-  
20          board DNA search’ means a search under  
21          which DNA from an individual who is arrested  
22          for or charged with a criminal offense is com-  
23          pared with information in the National DNA  
24          Index System, described in section 210304(a)  
25          of the DNA Identification Act of 1994 (42

1 U.S.C. 14132(a)), without resulting in the in-  
2 formation being included in the index.

3 “(3) EXPUNGEMENT OF PROFILES.—The  
4 expungement requirements under section 210304(d)  
5 of the DNA Identification Act of 1994 (42 U.S.C.  
6 14132(d)) shall apply to any samples collected pur-  
7 suant to this subsection for purposes of inclusion in  
8 the Combined DNA Index System (CODIS) of the  
9 Federal Bureau of Investigation.

10 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
11 There is authorized to be appropriated, in addition  
12 to funds made available under section 508, such  
13 sums as may be necessary to carry out this sub-  
14 section for each of the fiscal years 2011 through  
15 2015.”.

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